

Filed Under Seal

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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|------------------------------|---|-------------------------------|
| UNITED STATES OF AMERICA | : | CRIMINAL NO. 19 - |
| v. | : | DATE FILED: _____ |
| FRED C. ARENA | : | VIOLATIONS: |
| a/k/a "McCormick Foley," | : | 18 U.S.C. § 1001(a)(2) (false |
| a/k/a "John S. Mosby," | : | statements to government |
| a/k/a "Fritz Coon Heydrich," | : | officials – 5 counts) |
| a/k/a "Big 88," | : | |
| a/k/a "Fritz Arena," | : | |
| a/k/a "Mosby S. John" | : | |

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

At all times relevant:

1. The defendant, FRED C. ARENA, was employed at the Philadelphia Navy Yard, and was required to obtain a national security clearance to maintain that employment.
2. Federal employees who required national security clearances to maintain their employment were required to submit to a background investigation, carried out by the Office of Personnel Management National Background Investigations Bureau (NBIB).
3. NBIB Investigators collected information concerning the background of applicants and their suitability to receive security clearances from multiple sources, including the FBI.
4. As part of the required background investigation, applicants for security

clearances were required to complete an Electronic Questionnaire for Investigations Processing, and on that form certify "I have read the instructions and I understand that if I withhold, misrepresent, or falsify information on this form, I am subject to the penalties for inaccurate or false statement (per U.S. Criminal Code Title 18, section 1001), denial or revocation of a security clearance, and/or removal and debarment from Federal Service."

5. The Electronic Questionnaire for Investigations Processing also advised applicants that the investigation into their backgrounds could include personal interviews of them by NBIB investigators, who might ask the applicants to explain the answers they gave on the questionnaire.

6. On August 1, 2018, FBI Special Agents interviewed the defendant, FRED C. ARENA. During the interview, the agents asked ARENA whether he was a member of an extremist group known as Vanguard America, and ARENA said that he was not.

7. On January 10, 2019, the defendant, FRED C. ARENA, completed an Electronic Questionnaire for Investigations Processing online, and certified on it that "My statements on this form, and on any attachments to it, are true, complete, and correct to the best of my knowledge and belief and are made in good faith." and "I understand that a knowing and willful false statement on this form can be punished by a fine or imprisonment or both (18 U.S.C. 1001)."

8. On May 6, 2019, the defendant, FRED C. ARENA, was interviewed in person, under oath, by special agents of the Office of Personnel Management National Background Investigations Bureau (NBIB), who warned ARENA that any false statements that he made to them could be punished by a fine or imprisonment or both under 18 U.S.C. § 1001.

9. On or about January 10, 2019, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**FRED C. ARENA,
a/k/a "McCormick Foley,"
a/k/a "John S. Mosby,"
a/k/a "Fritz Coon Heydrich,"
a/k/a "Big 88,"
a/k/a "Fritz Arena,"
a/k/a "Mosby S. John,"**

in a matter within the jurisdiction of the United States Office of Personnel Management National Background Investigations Bureau, an agency of the Executive Branch of the United States, knowingly and willfully made materially false, fictitious, and fraudulent statements and representations concerning a material fact, in that defendant FRED C. ARENA falsely certified on an Electronic Questionnaire for Investigations Processing that he had never been a member of an organization that advocates or practices commission of acts of force or violence to discourage others from exercising their rights under the United States Constitution or any state of the United States with specific intent to further such actions, when, as the defendant then knew, he had been a member of such a group, Vanguard America.

In violation of Title 18, United States Code, Section 1001(a)(2).

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 – 5, and 7 of Count One are incorporated here.
2. On or about January 10, 2019, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**FRED C. ARENA,
a/k/a “McCormick Foley,”
a/k/a “John S. Mosby,”
a/k/a “Fritz Coon Heydrich,”
a/k/a “Big 88,”
a/k/a “Fritz Arena,”
a/k/a “Mosby S. John,”**

in a matter within the jurisdiction of the United States Office of Personnel Management National Background Investigations Bureau, an agency of the Executive Branch of the United States, knowingly and willfully made materially false, fictitious, and fraudulent statements and representations concerning a material fact, in that defendant FRED C. ARENA falsely certified on an Electronic Questionnaire for Investigations Processing that, in the previous seven years, he had not had any possessions or property voluntarily or involuntarily repossessed or foreclosed, when, as the defendant then knew, his car was repossessed in 2015.

In violation of Title 18, United States Code, Section 1001(a)(2).

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 – 5, and 8 of Count One are incorporated here.
2. On or about May 6, 2019, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**FRED C. ARENA,
a/k/a “McCormick Foley,”
a/k/a “John S. Mosby,”
a/k/a “Fritz Coon Heydrich,”
a/k/a “Big 88,”
a/k/a “Fritz Arena,”
a/k/a “Mosby S. John,”**

in a matter within the jurisdiction of the United States Office of Personnel Management National Background Investigations Bureau, an agency of the Executive Branch of the United States, knowingly and willfully made materially false, fictitious, and fraudulent statements and representations concerning a material fact, in that defendant FRED C. ARENA falsely certified in a sworn interview with an NBIB investigator that he had never been a member of an organization that advocates or practices commission of acts of force or violence to discourage others from exercising their rights under the United States Constitution or any state of the United States with specific intent to further such actions, when, as the defendant then knew, he had been a member of such a group, Vanguard America.

In violation of Title 18, United States Code, Section 1001(a)(2).

COUNT FOUR

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 -5, and 8 of Count One are incorporated here.
2. On or about May 6, 2019, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**FRED C. ARENA,
a/k/a "McCormick Foley,"
a/k/a "John S. Mosby,"
a/k/a "Fritz Coon Heydrich,"
a/k/a "Big 88,"
a/k/a "Fritz Arena,"
a/k/a "Mosby S. John,"**

in a matter within the jurisdiction of the United States Office of Personnel Management National Background Investigations Bureau, an agency of the Executive Branch of the United States, knowingly and willfully made materially false, fictitious, and fraudulent statements and representations concerning a material fact, in that defendant FRED C. ARENA falsely certified in a sworn interview with an NBIB investigator that, in the previous seven years, he had not had any possessions or property voluntarily or involuntarily repossessed or foreclosed, when, as the defendant then knew, his car was repossessed in 2015.

In violation of Title 18, United States Code, Section 1001(a)(2).

COUNT FIVE

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraph 6 of Count One is incorporated here.
2. On or about August 1, 2018, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**FRED C. ARENA,
a/k/a "McCormick Foley,"
a/k/a "John S. Mosby,"
a/k/a "Fritz Coon Heydrich,"
a/k/a "Big 88,"
a/k/a "Fritz Arena,"
a/k/a "Mosby S. John,"**

in a matter within the jurisdiction of the Federal Bureau of Investigation, an agency of the Executive Branch of the United States, knowingly and willfully made materially false, fictitious, and fraudulent statements and representations concerning a material fact, in that defendant FRED C. ARENA falsely denied, in an interview with FBI special agents, his membership in Vanguard America.

In violation of Title 18, United States Code, Section 1001(a)(2).

FOREPERSON

for 
**WILLIAM M. MCSWAIN
UNITED STATES ATTORNEY**

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

Filed Under Seal

INDICTMENT

DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar. 19cr638

Address of Plaintiff: 615 Chestnut Street, Suite 1250, Philadelphia, PA 19106-4476

Post Office: Philadelphia

County: Philadelphia

City and State of Defendant: Salem, NJ

County: Salem County

Register number: N/A

Place of accident, incident, or transaction:

Eastern District of Pennsylvania

Post Office: Philadelphia

County: Philadelphia

RELATED CASE, IF ANY:

Criminal cases are deemed related when the answer to the following question is "yes".

Does this case involve a defendant or defendants alleged to have participated in the same action or transaction, or in the same series of acts or transactions, constituting an offense or offenses?

YES/NO: No

Case Number: N/A

Judge: N/A

CRIMINAL: (Criminal Category - FOR USE BY U.S. ATTORNEY ONLY)

1. ☐ Antitrust
2. ☐ Income Tax and other Tax Prosecutions
3. ☐ Commercial Mail Fraud
4. ☐ Controlled Substances
5. ☐ Violations of 18 U.S.C. Chapters 95 and 96 (Sections 1951-55 and 1961-68) and Mail Fraud other than commercial
6. ☒ General Criminal

(U.S. ATTORNEY WILL PLEASE DESIGNATE PARTICULAR CRIME AND STATUTE CHARGED TO BE VIOLATED AND STATE ANY PREVIOUS CRIMINAL NUMBER FOR SPEEDY TRIAL ACT TRACKING PURPOSES)
18 U.S.C. § 1001(a)(2) (false statements to government officials - 5 counts)

DATE: October 24, 2019


JOSEPH LABAR

Assistant United States Attorney

File No. 2019R00764

U.S. v. Fred C. Arena, a/k/a "McCormick Foley," a/k/a "John S. Mosby,"
a/k/a "Fritz Coon Heydrich," a/k/a "Big 88," a/k/a "Fritz Arena," a/k/a "Mosby S. John"